IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CIVIL APPLICATION NO.2423 OF 2004

In

WRIT PETITION NO.653 OF 2002

Shri Jagdish Prasadji Agarwal & Anr. : Applicants

(Orig. Petitioners)

V/s.

The Thane Municipal Corporation : Respondent

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Mr.Ambar Joshi for Mr.Suhas M. Oak for the applicants.

Mr.M.V.Limaye for Mr.R.S.Apte for the respondent.

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CORAM : S.RADHAKRISHNAN &
S.A.BOBDE, JJ.

October 11, 2004.

P.C.:

1. Leave to amend para 2 of the Civil Application. Amendment to be carried out forthwith.

2. Rule, returnable forthwith.

Mr.Limaye waives service on behalf of the respondent.

Heard by consent.

3. Perused the Civil Application. By this Civil

Application, the applicants seek recall of the order dated 31.8.2004 whereby the above petition was dismissed in default. For the reasons stated in the Civil Application, sufficient cause is shown for recalling the said order dated 31.8.2004. There is no inaction, negligence or want of bona fides on the part of the applicants.

4. Under the circumstances, the rule is made absolute in terms of prayer clause (a), subject to the applicants depositing costs of Rs.500/- with the Maharashtra State Legal Services Authority within a period of two weeks from today.

5. If the costs is deposited as directed above, place the Writ Petition for final hearing on 22.11.2004.

Sd/-

(S. RADHAKRISHNAN, J.)

Sd/-

(S.A. BOBDE, J.)